Trial of Louis Baker for the Homicide of

COURT OF OYER AND TERMINES.

COURT OF OYER AND TERMINES.

SIXTH DAY.

Hon. Judge Roosevolt prestring
THE FROPIN '83. LOUIS HAKER.

Pec. 3.—The Court was opened this morning at a little
after ten o'clock. The District Astorney stated that he
had the dut es of two courts on him to-day, in addition
to his attendance on the Grand Jury; and he had received
a note from Mr. Hollman saying that he was unable to

g. Bake, was conversing with gone of his friends at als.

Did you hear Baker say anything about any occurif A. No, sir. I heard Morrissay say he had had a
edifficulty with Poole; Baker was standing at the bar
he time.

Fid he (Baker) say anything about it? A. No, sir.

Had you heard anything about the affray before
went to Linn's? A. Yes; I heard it mear the St.
holss; Baker was at Linn's; Morrissey was there,
leen was there, Turner was not there, Cornelius Lian
not there, Van Pelt was not there, Morrissey
there when I went in; a young man
ed Cunningham came in and took Morrissey out to
n's, in Lispe nard street; Hyler was in conversation
ime when Morrissey went out, and he Morrissey
d me to take Hyler over to Albein's; in about fifteen
uses some one came in (I forget who.) and took Mr.
se sawy, and I went home, Mr. Baker went out after
Morrissey; he eld not return again.

ates come one came in (1 forget who.) and took Mr. is away, and I went home, Mr. Baker want out after Morrissey; he did not return again.

When these persons were conversing do you know they were taking about? A. No; I cannot tell parally who of them were conversing together; they taking among themselves, mit vinspering, nor not ng so lend that I could bear; lister was taking to of them, but I cannot tell to whom; he did not conswith Hyler, because he was taking to mo; Pan een taking; they wanted to take horrissey home, as he a "dittle out of the way." he was stronk. Who were taking together? A. Thoy were all talk-Morrissey. Panucen and Baker; I forget whether Pelt and Linn were there; I think Pandeen and Bawent out together; I am not certain; I did not hear ret they went; I did not hear ret they went; I did not hear ret they went; I did not hear nything said by them they went out.

Proofs in the carly part of the evening; Baker and frience.

1 Hall—He was one of my men; he was one of the d men; he resigned in the latter end of January of ing of February last.

1 Hall—He was standard for the prosecution, de-live in Fifteth street; I keep a livery stable; I S anwix Hall at the first part of the affray in February 1 Feb

t. Yes.

It was a fine of the first and the first and the folioe clerks at Jefferson market; I remainer the eximination relative to this affair before Justice Brennan; tock place text day. Sunday; I sected as property clerk also; I was handed a pistol by Justice Brennan; (ptoduces he pistol); this is the identical pistol I received from instice Brennan.

at took pince heat day. Sunday: I seeted as property clerk also; I was hanned a pistol by Jostice Brennan; (produces the pistol); this is the identical platol I received from Justice Brennan.

Cross-examined—I have not the depositions that were taken before me; I think they were sent to the District Attorney; the affidavi's which were published in the Henard the next morning were a correct statement of the depositione.

The District Attorney said search had been made for the papers, and they could not be found.

Mr. Clark said, that he had brought down Judge Cowles' opision on the application to bail, and it is evident be must have had the papers before him.

Wilness—It is a Colds revolver, a five shooter; numbered 88, 422; it is loaded and capped, and is in the condition in which it was handed to me.

Mathow T. Brennan, sitting magistrate at Fasex market—I was Justice at Jefferson market in February last; the same pistol that was given to me by an officer! handed in the same condition to Mr. Murray; the officer laid it on the desk.

Cress-examined—I received it at ten o'clock on Sunday morning from an officer; I had not Coole's const that day; it was rhown to me at loole's house; Mrs. Foole brought it up, and Sany showed it to me; I did not take the cost; I did not ask for it; I have mone of the depositions; I took the several dep suitons of the parties, Shay, Ackerson, Harris, Corsey Jack and others; there was much excitment at the time; Cy Shay did not tell me that he fired any shots; Harris did not tell me that he fired any shots; Harris did not tell me that he fired that night; it was pretty much one side.

Q. Did tey not lead you to suppose that the firing was all on one side? A From what I neard I should say that all the firing was on one side; it was an ac puric state, ment; if Shay told me that he fired, I should have held lim as well as the rest; I never hence he fired until 1 and his vinient his parties. It may be a state ment; the police, the head of the desk to he parties for posucular to a suppose

recom when the pistol was laid on the desk; Shay was the most active man of the party.

The Court—You have stated that fact before, that he was active.

Mr. Clark—I want the fact that he was the same Shay that was examined as a witness here.

Mr. Bracy—Oh, there is but one Shay in the world. (Laughter.)

Witness—I can't say it was the Shay that was examined here, as I was not present when he teatified; it was Cy Shay.

Mr. Whiting—How was he active? A. He gave me the names of the witnesses and was telling every one about the transaction.

To Mr. Clark—I called on Baker after his return, and caken him if he had sent me such a letter as I understood from an officer that he had.

Mr. Wolting—Was not Councilman Kerrigan there, and very active for the accused? A. I saw Kerrigan during the morning, but am not certain that I saw him in the Court roem.

Cifficer Austin examined—I received a pistol from John Cunlan, or "Corky Jack," about 3 or 4 e'clock on the morning of the affray; I again received it from him that hearing, and handed it to Justice Brennan; it was full charged; the pistol was pretty clean at that time; it looked newer than it does now; it was not unscrewed; I put a pencil into the cylinder, and found that it was loaded.

John Brady—I have known Corky Jack for twelve or existen years; I saw him last about six months ago, in Browny; be was a butcher, and had no settled place of real ence; he was on Elackwell's Island; I don't know is a second of the pint I was on the post that night near was Mr. I was set "was Will habout ten minutes; I was the pistol to his had the pistol to his

wards gave it to him to hand to the magistrate (pistol shown); I should judge this was the pistol; I was there when Corkey Jack brought it; I did not know it was there when Corkey Jack brought it; I did not know it was him at that time.

Mr. Clark here asked permission to examine one of his witnesses who had to leave town immod ately. Form ission was granted, and the witness was sworn.

Henry A. Weeks—I was a physician, but at present have a coal yard; for n 1846 to 1852 I was in California; during the years 1850 and 1851 I was connected with the politie; shooting affrays were of frequent occurrence there; I have seen shots fired through a cloak, and on one occasion through a shirt bosum; is aw them shot; I saw one cloak that had been fired through and from which the man who were it died; from my experience I should make up my mind as to how the shots were made in a coat if I saw them.

The Ceurt remarked that the jury could give an opinion on that as well as the witness. He had understool he witness replied—Once through a shirt and another time through a coat.

Mr. Brady submissed that the evidence of this witness might be taken as a stiff of an expert.

Court to witness—Did you see the pistol in one of the cases you apeak of fired through the coat? A. Yes; I heard the shot and saw the wound given; it was by Judge Jones, of California, who shot Jack Smith at the corner of Washington street.

Court—It might be as well to hear the testimony.

Mr. Clark (handing witness the coat of Poole)—What is your opinion as to the manner in which these four holes were made—whether from firing inside or shots from without?

Witness—I should say that those four holes were fired from the outside; there is another hole made from the outside; the lining near the four holes made from the outside; the lining near the four holes made from the outside; in the shots that were made from the outside is burned; in the shots that were made from the outside is burned; in the shots that were made from the outside is burned; in the shots tha

in the back of the flaps, from the outside; the lining near
the four holes made from the inside is burned; in the
shots that were made from the inside is burned; in the
shots that were made from the outside the pistol must
have been in close proximity to the cost.

To Mr. Crocheron, a juror—There is nothing in those
shots to induce me to telieve that these shots from the
inside could have been fired by another person.

To Mr. Clark—In my efficial capacity I have had such
cases before me; I have had the garments before me;
that kind of fuing is sometimes used in California; but
sometimes they don't shoot as much there as they do
here.

To Mr. Whiting—Those holes in front were fired from
the outside; with the exception of the four holes together, all the rest, in my mind, were made from the outside.

Here the witness was directed to show with a pistol
how the shots were made, which he did, (with the loaded
revolver in evidence,) to the very great unassiness of
those in the vicinity. (Poole's trowsers produced.)

Q. by defen fant's counsel—Euppose a pistol had been
put in close proximity to the coat, might not that rent in
the fireners have been made? A. I should think there
was more than one shot here. (Vest produced.) I should
think the pistol was close by when this hole was made in
the vest; within about two feet.

Q. Could you say what position the party was in when
he received that wound? A. I should say he was bo ow
the party inflicting the wound.

To fir. Clark—If the parties were both on the floor,
that hole could have been made; I don't mean, when I
say cae was below the other that the other was on top of
him, but that their heads were not even; the inclination
of the pistol was dawnwards.

Mr. Bynes, a juror—Q. Wust was the character of

Q. De you know "Corky Jack" (John Quinlan)? A. No, sir.
Mr. Brady—Well, I congratulate you.
Witness—I took Pople's pistol to Mr. Marston, of Fulton street, to repair for him; he repaired it, and I loaded it for him after.
To Mr. Clark—I loaded pistols for Poole, and when I had Colt's caps I used them, and when I had not I used "G. D.'a;" I generally loaded his pistols with one built to each barrel.
[Eaker's revolver was here produced; it is No. 79,692.] Witness—These two pistols are the same length.
Q. Can you tell to a certainty whether that first pistol is, or is not, the one you loaded for Poole? A. I cannot; I generally cleaned the pistols before I loaded them for Poole; I cannot say that I cleaned the one I loaded for bim last.

Mr. Clark—100 leads a platon.
Yes, sir.
Mr. Clark—And like 20,600 others? A. Yes.
Hetry F. Jones, examined by Mr. Whiting—I am a police officer; I was in the neighborhood of Stauwix Hall the night of this affay: I was there between 9 and lo, and again about one o'clock, the time the trouble was

there.

To Mr. Hall—That night I heard a shot near Peter Bar-low's pisce about one o'clock; I ran up towards Prince

To Mr. Hall—libst night; i neard a most near even coard low's piece about one o'clock; I ran up towards Prince etrect; I met a man running down and I frew out my delucit to hit bits, its has twas off and he had a clock on his arm; when I ran towards him with my clab he polled of out his revolver and lived, and ran across Heodeway; I went to the station house and told them to turn out the station house and told them to turn out the station. The control of the station house and told them to turn out the station house and told them to turn out the station. The control of the station house and told them to turn out the station house and told them to turn out the station house and told them to turn out the station house and told them to turn out the station house and told them to turn out the station house and told them to turn out the morning; had charge of the men; there was nothing to prevent any people, scepet those who were witnesses; from passing in and out; I saw a man who had a pistol in his hanc, he said he picked; it poff the foor; I lost significant theory of the state, there was quite a cried there, it is to the state of the

man of a word and a blow, but the Court would not permit it.

Mr. Clark—But they were strangers to each other.

Mr. Brady said that in the case of DeCorn the ruling of the Court was precisely the other way.

The Court permitted the counsel for the defence to show that certain of these witcoses were constantly in the habit of attending on Poole and being his witnesses in assaults and battery. He permitted this, as they say the witnesses gave a coloring to this transaction.

Q. How many times have you defended Poole for indictments for assault and battery?

Mr. Whiting objected.

The Court said that counsel sometimes argue that an indictment is no evidence of guilt.

Mr. Clark—Nor is it; for any respectable man might get an indictment under the present Grand Jury system sgainst his honor the Judge.

Q. When you have cefended Poole for assaults and batteries with knives and forks who were his witnesses? (Objected to.)

Mr. Clark—Was Poole convicted when you defended him for that assault and battery with intent to kill?

A. He was convicted on that occasion and Williams died.

Q. How often was he convicted? A. We generally went

this convertation of Baker's was three weeks after the beating of the Masons.

Thomas R. Parton, examined by the I istrict Attorney,—I am a police officer; I went out in the Grapeshot in pursuit of Baker; we left New York on 18th March; I astisted in making the arrest of Baker; we arrested into on the I'll of Agil at the Grand Canarys island, opposite the brig leabells Jewett; we boarded the brig about nice of the brig I to the brig I abell a Jewett; we boarded the brig about nice of the brig I abell a Jewett; we boarded the brig about nice of the brig I abell a Jewett; we boarded the brig about nice of the brig about nice of the brig I was a state of the brig about nice of the bright of the bright that he had a man on board named Lew Baker; the Captain, and he had a man on board named Lew Baker; the Captain, and as and that the was depated by Judge Stoart; Jecomans took hold of Baker; Jecomans was not an officer; I understand that he was depated by Judge Stoart; Jecomans took hold of Baker; the Captain, and said that we had no right to take him without the authority of the Governer of the port; I said to Mr. Jecomans that we should make short work of it, and I pulled out a pair of handcaffs and put them on Baker, and I got him into a beat and put him on board the Grapain, and said that we had no right to take him without the authority of the Governer of the port; I said to Mr. Jecomans that we should make short work of it, and I pulled out a pair of handcaffs and put them on Baker, and I got him into a beat and put him on board the Grapain, and to the interest him he was lend; A lie did, Q. Was that request accorded? A. Iwas not, for this reason, that we were on board the Grapain of the wind the Jewett had a squared away from the Grapain of the position of the part of the land of the wind had a squared away from the Lewett when he made the request; the water was a sancoth as it got and took and the land of the land of t

ing declaration, in the presence of his Maker, is admissible.

Testimony admitted; exception taken.

Witness to Mr. Clark—I never saw Poole before that night; I did not know what his religious sense of his accountability was.

To Mr. Whiting—I asked him if he knew who killed him; I had asked him on our way home in the carriage the right of the affray, and he told me the same just before his death; he said Baker killed him; that Isker shot him as he lay on his back; he said there were a great many shots; that It was like persons throwing corn from the hand; he said he did not fire a shot that night; that he had his pistol in his pecket; I asked him why he did not fire, and he said he was afraid to fire, for he knew they came there to murdet him.

Ar. Whiting said the juror was cross-examining the witness.

Ecctor Carnechan, Professor of Surgery in the New York Bespital, examined by Mr. Whiting.—I made the post mortem examination of the body of widiam Poole; minutes were taken of the state of the body.

The Doctor was then requested to read them. He then read the following:—

The surface of the body presented three orifices of guashot wounds: two on the external side of the right thigh, a shirt distance above the patella, by which, apparently, a ball had mase its entrance and exit respectively; and one on the anterior aspect of the chest, three-quarters of an inch to the left of the median line, and about half an inch below a line drawn scross the chest, from one nipple to the other. The examination revealed that all the organs of the body were in a healthy condition. The stemum and cartilages of the ribs having seen partially elevated, a bullet probe could be passed without difficulty, clanting from right to left through the wall of the horax, at the place of junction of the cartilages of the fifth and sixth ribs with the magin of the stemum. The stemum being completely elevated, the pericardium wassen to be much distended, and on its surface, in continuation with the external wound, was observed a rough spot, which proved to be an opening into the cavity of the pericardium, thinly closed by the exudation of plastic material. The right and left cavities of the pleura were free from effusion, and the ange on both sides. Upon opening who had an an was so distended that it encroached very much upon the lungs on both sides. Upon opening whe sac of the pericardium, and removing the large quanity of serous fluid, the external surface of the least and the serous lining of the pericardium were both found to be entirely covered with plastic exudation, presenting all over signs of high inflammatory action. A cursory examination of the heart in the serious of an inch, in the muscular tissue of the septum, between the right and left ventricles, about midway between

impossible to telt the effect of dead material.

Consexumined by Mr. Clark—Q. Was there anything in the autopay from which you could judge the relative position of the parties? A. It could be intered. I should say be was a man of unusual physical development and capable of fears of agility; the would on the leg was not correctly.

To Mr. Brady—The exit was irregular, and the edge thrown out; I should say the party inflicting that would must have stood within two feet of him.

Mr. Clark—How about the other? A. The party I should think stood close by.

Q. Assuming that the liming of that coat is burned, could it be produced by the passage of the hall from the outside? A. I could not assume that unless you show we that it is so; the fire could not have passed throught to the inner side where it is not apparent that it burned the outside.

The case for the prosecution here closed with the ex

to the inner side where it is not apparent that it burned to the inner side where it is not apparent that it burned the outside.

The case for the prosecution here closed with the exception of producing a document of Baker's resignation. It being past five o'clock, the Court adjourned to 11 o'clock Tuesday morning.

TO THE EDITOR OF THE HERALD.

I notice your paper of the 2d December, in the report of testimony in the trial of Louis Baker, sates that I admitted that I had taught pugillam for three months is Secremento, at twenty, five cents a lesson. This is an error. I stated that I had not taught pugillam for three months in Facramante at two shildings a lesson. Flease correct, and oblige

E. W. CAMPBELL.

One of the most remarkable suicides we have lately met with was that of Adam Rein, a German, in Philadelphia, who leaded a horse pisted so heavily that when he pisced the murale to his mouth and putied the trigger, he not only blew the upper half of his head literally to atoms, but bursted the pisted, blew off one of his hands, received a deep wound in the breast from a pioce of the shattered weapon, set his shirt on fire and by the force of the concussion blew out the window glass and shattered many of the articles in the room. The scene is described by the se who w inessed it as horrible.

MABITIME INTELLIGENCE.

ut.
Ship Abboit La wrence, Davis, Falmouth—Eben Ga dwell.
Ship Vick-burg, Coffin, New Orisanz—Wm Nelson & Sonz.
Eark Peri, Daniois Lisbon—Master.
Eark La Balletin La Balletin, Patterson, Londou—II Monitya.
Bark B & W Dodge, Jazvis, Clentungon—C & K J Peters.
Eark J M Morains, Brown, Havana—Sturges & Co.
Eark Architet, Balley, Mobile—C Durand.
Brig Bubicon (3r), Cook, Eincen, Haa—McAuitff & Whee

Schr Saoind, Fowerk, Anngua, iv days, with one from all master.
Schr B Burton, Chase, Laguayra—H Underwood.
Schr Telegraph, Bosh, Lavaces—McGready, Mott & Co.
Schr Imogene, Ruggies, Mobiliss-Lane West & Co.
Schr Manhausett, Brown Savanash - Stranton & Tailman.
Schr F Satterly, Jackson Charleston—McGready, Mott & Co.
Schr Enbersad, Smith Wilnington—Foster & Nickerson.
Schr Edge, Doss sway, Nerfolk—Surges & Ubarman.
Schr Mist, Doss sway, Nerfolk—Surges & Ubarman.
Schr Rebecca, Woglon, City Foint.
Schr Mist, Doss sway, Nerfolk—Surges & Coarman.
Schr State, Bayles, Alexandria—Abbott Dodge & Co.
Schr E Shide Bayles, Alexandria—Abbott Dodge & Co.
Schr E Shide Bayles, Alexandria—Ven Brunt & Siaght,
Schr Sann, Spence, Phindelphita—Hand
Schr Sarsh Kilzabeth, Smith, New Haven—Master.
Schr Edgerpise, Dalion, New Haven—Master.
Propeller Caledonia, Baker, Zerland—John Riley.
ARRIVEE.

Propeller Caledonia, Baker, Porlland—John Riley.

Stes mship Black Warr or, Billock, New Orleans via Havaza Nov 25, with midse and passengers to Livingsion. Crocheron & Co. 7 miles East of the More passed steamship Phitadelphia bound in; same time, exchanged signals with ship
Hidra, of Boston, and an Am ship showing a red and blue
signal, with white diamond, and lettle if in centre, Nov 29
125 20, Ion 79 37, ero anged signals with ship Rose Standish.
Steamship Rosnoke, Skinner, Norfolk and Poteraburg with
mide and passengers, to Ludlam & Pleasants.

Schr Ann D, Olver, Georgatowa.

BELOW.

One ship South of the Highlands, by telegraph.
SAILED.

in 16 shares and to be commanded by Capt John Holbrook.

Heraid Marino Correspondence.

PHHADDLPHIA, Dec 3—Ar brig Loreto, Burthart, Havana; ether James Melvab (67), Advans, Laguayra Wm H Miller, Crowell, and Albert Dexter, Nickerson, Boston; Kate Kalshan, Kalshan, E Scott, Taylor, James Domphty, Muryhy, Charles Whiting, Hentiran: John F Crouch, Henderson; A Pharo, Falkenberg, Clarisas Budd, Swain; Little Rock Krick son; Harriet Letisa, Brown; Wissuhickon, Shoros; John Man tow, Brown; Expire. Baker, and Sarah Elizabeth Yates, NYork; H E Weston, Maloy, Salom; Charles Moore, angersoll, Bridseport; Ann & Rebecca, Sanders, Fort Morris, J F Abell, Diklinson, Fortland.

Cld ship Clara Brockman, Higgins, NOrleans; barks Selah, Alkins, Boston; St James, Cruue, Rio Jameiro; brigs America, Robbins, Salom; Veloos, McGregor, Boston; schra Kray, Gardner, Robbins, Salom; Veloos, McGregor, Boston; schra Kray, Gardner, Bichn. NS; Char Whiting: Henliman Finshing; John F Grouch, and All Chara Brock, Savens, Jow Haven; John & Mary, Gardner, Buchn. NS; Char Whiting: Henliman Finshing; John F Grouch, Burnberson, Green, Forth. Phase, Physical Britabeter, Frovidence; Green, Forth, Physical Britabeter, Salom, Newburg; Kmpire, Baker, Britol, RI, Sarah Elizabeta, Yasas, Yonksra.

Dissorters, &c.

BARK MENTOR—Capi Lovett and crew of bark Mentor, before reported lost off Doboy Island, strived at Savannah 28th uit and reported the vessel a total ions. She was lost on the 25th uit.

dragged it, orcre foul of a Neapolitan reasol, carried away her bowapri and all-had gear, and then drove upon the beach she was got of 20th.

Brito I same Brunnare, Tamp, from Sagua for Boston, put into Holmes' Hole, having had heavy weather on the passage, apilt sails and clarted cargo.

Brito Roswell, late Matthews, from Aspinwall, arrived with Penaccial loth till with all the crew sick except one man—Capi M died on the 17th. Nour of the crew were taken to the hospital. The vessel was loading for Bailmore.

Brito Virtus, before reported ashore at Holmes' Hole, is not yet off, but will be probably in a day or two. She is partly discharged, leaks some, and may have to go on the ways for repairs.

A HERR BRIG WAS SECT SAMORE OF 24 from Charleston and Vigo, lost part of deck lead of vitch and tar overboard Aug 23. (By lefter to Eliwood Waiter, Eag.)

Schi Jail M Hallock, Hollock, from Xabia Oct 15 for New York, on the Bis Oct, spil foresall and repaired it 27th, burst the toresalt, broke the leek and carried away the lanyard of the bobslay. Regions in the and carried away the lanyard of the bobslay. Regions and carried away the lanyard of the bobslay. Regions and would proceed.

Schi Ernefrens, from Hangor to Baless, put into Glouces ter 20th till, having been thrown on her beam ends, and lost part of deck icad of tumber.

A LARGE FORE AED AT SCHE, with freemast and mathematical gone, was passed at anchor 30th ut und; Smith Televal, by seamer Georges Creek, at Baltimore same day.

ROHE LEGGED FORE AED AT SCHE, with freemast and mathematical gone, was passed at anchor 30th ut und; Smith Televal, by seamer Georges Creek, at Baltimore and day.

ROHE LEGGED FORE AED AT SCHE, with freemast and mathematical gone, was passed at anchor 30th ut und; Smith Televal, and coult got in the search of the search and the se

And correctly that is providely covered to the country of the control of the provided cover front of a Aspendian record covered and year of the covered covered to the cove